

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT#: 171001-3519

SPECIFIC CRIME: ACTIVE SHOOTER / MURDER

DATE OCCURRED: 10-01-17

TIME OCCURRED: 2208 HOURS

LOCATION OF OCCURRENCE: MANDALAY BAY RESORT AND CASINO
3950 S. LAS VEGAS BOULEVARD
LAS VEGAS, NV 89119

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: OFFICER MARLON MAGSAYSAY (MM), P# 14804

DOB:

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE C. JEX (CJ), P# 5597, LVMPD FORCE INVESTIGATION TEAM, on 10-03-17 at 1635 hours. Also present are Detective P. Quinteros (PQ), P# 9055, and Las Vegas Police Protective Association representative T. Todd (TT), P# 8411.

CJ: Operator this is Detective C. Jex, P# 5597, with the Force Investigation Team, conducting a recorded, uh, witness officer interview statement with Officer - er, reference Event # 171001-3519. The officer being interviewed is Officer Marlon, M-A-R-L-O-N, Magsaysay, M-A-G-S-A-Y-S-A-Y, P# 14804. His call sign the night of the incident was 8-1da-6, part of the Flex Team at South Central Area Command. His date of hire is [REDACTED] His area command is South Central Area Command. RDOs are Saturday, Sunday, Monday. His shift of 1430 to 0030 hours. Um, this interview is reference an active shooter that occurred on 10-1-2017, at approximately

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 2

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

2208 hours, at, uh, Mandalay Bay, uh, Resort at 3950 Las Vegas Boulevard South.

Today's date is 10-3-2017. The time is 1635. This statement is being conducted at LVMPD Headquarters, Building C, 3rd Floor. Also present in the interview is, uh, Detective Paul Quinteros, P# 9055, with the FIT Team and PPA Representative, um, Tyler Todd, T-Y-L-E-R T-O-D-D, P# 8411. All right, is it all right if I call you Marlon?

MM: Yeah sure.

CJ: Okay Marlon, are you aware this is being recorded?

MM: Yes.

CJ: All right. So before we get started what I'd like for you to do is describe the, uh, what you were wearing, uniform or what, uh, whatever with that and then the gear that you would have been carrying either whether it was off of your duty belt or anything else.

MM: Okay so I was wearing up, a grey tee-shirt with blue jeans and on top of that I was wearing my, uh, soft armor plate and then I threw over my rifle plate carrier. And my rifle plate carrier had the LVMPD insignia badge Velcro, um, and the Police - Police, uh, it says Police really big on the back that we get from supply. Um, had my rifle with me as well. My rifle, I had my, um, handgun as well that I use. Um, I had three magazines, uh, with me. And then - and then I had my, uh, ballistic helmet as well, (inaudible) my ballistic helmet with a shield. And then, um, also had a - there was a smoke grenade I also had too.

CJ: Okay. Were you wearing a body worn camera?

MM: No.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 3

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: Okay. And, uh, this equipment that you put on, you were in plain clothes to start with, correct?

MM: Yes.

CJ: And, uh, where did - where did you keep this, uh, equipment?

MM: At the police station.

CJ: Okay so you deployed from the station?

MM: Yeah so I came from home and went to the station. I just had my rifle with me at home at the time and brought it with me to the station.

CJ: Okay. All right. So now, uh, Marlon what I'd like for you to do is now walk us through, um, your involvement in this incident, uh, where you were - and start with where you were, how you heard about it and - and - and, uh, describe all that. And then just walk us through the story of what you did, where you went, uh, all that. Just be as detailed as you can, okay?

MM: Okay. Uh, I was at home, I received a text message - group text regarding an active shooter at Mandalay Bay and was told it wasn't really going so well, that they needed a lot of officers. So I responded out to South Central Area Command and I got out of my vehicle, got into our, uh, assigned vehicles, grabbed my gear, put on all my gear. I de-deployed out of South Central Area Command, I can see that the scene was still active - actively going on. Um, got out, parked my vehicle at Russell and Las Vegas Boulevard and there's a center median, I saw two SWAT officers, uh, arriving simultaneously and I, uh, as I was gathering up my, uh, my helmet and making sure I

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 4

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

had everything I, uh, talked to the SWAT officers and said if they were waiting for their team and, uh, said, "Cool if I go with you guys?" And they were like, "Yeah come on with us." So we went to - do I just ke- keep going with the whole story?

CJ: Yeah just tell your story. Yeah don't stop.

MM: I - okay. I was like - so, um, that is where, uh, that is where I acquired the smoke - the smoke grenade from, uh - just in case just kind of hang on to it, said, "Here, just in case." So I met with the SWAT officers, we pretty much ran from Russell and Las Vegas Boulevard all the way to Mandalay Bay. Inside, um, one of the entrances, I - I don't know which entrance it was but we went inside one of the entrances and myself and the two SWAT officers, we went up in the elevator. I believe the, uh - so we were on the way there, we were told - uh, listening to the radio traffic, "Shooter's on the 32nd Floor." So went to the 30- we were - the goal was get to 32nd Floor, we need to stop the threat, need to get right there. I didn't - I knew there were multiple casualties from just initial when I was at home kind of what was going on, there was multiple casualties. Um - um, got there, went up the elevator, we landed I believe it was called the Foundation Room. We, uh, we were in the Foundation Room first and it was the SWAT officer, myself and then there was a- another female that eventually came with us that we - we saw. Um, I took one hallway of the Foundation Room, the other SWAT officer took the other, uh, took the other hallway and then there was another one behind me. So immediately I said, "Everybody get on the ground, Metro Police. Hey Police Department, get on the ground. Uh, we're here to help you. Keep your hands out like an airplane just so we can see your hands." Um, we asked,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 5

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

you know, "Is anybody hurt? Anybody need medical attention?" Um, after, uh, after everyone started complying, you know, getting on the ground and said, "Hey turn off your phones, you know, um, so if you were calling 9-1-1, you know, hang up so - police are here so we can - other people can, you know, get to 9-1-1 that really need it." Uh, the SWAT officer and I, we continued goin' to the elevator. We, uh, bypassed all the - all the subjects who were on the ground. We made our way to the 32nd Floor and, uh, I believe it was below us but I - I - I'm not too sure as far as where the Foundation Room was in relation to, uh, to the 32nd Floor. But I want to say it was below us. Um, we went down to the 32nd Floor, we arrived, um, we met with - there was officers already on like I guess holding the stair- uh, so there's a suite at the very end, the - the - the 32- the room where the shooter was in, um, that's where it was. We saw the officers were kind of holding about halfway down. Um, we arrived, you know, guns downrange, arrived with the other officers. We, uh, we met up with them, kind of said, "Hey, you know, is this the room?" They said, "Yeah. There was a security guard here that was shot, here are the three bullet holes. Uh, he was shot in the leg and he was immediately, you know, removed from the area. We got there, um, the SWAT officer was on the one side, I was on the other and there was other officers like I said already on - on scene, kind of just got debriefed. Um, I ended up from a- from arriving I ended up taking a supported position with my rifle downrange so I was on the left side if you were facing the hallway and, uh, I was on gun towards the door because we were told that the - the suspect shot through the

VOLUNTARY STATEMENT

PAGE 6

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

door to, uh, to the security guard. Um, you could see three rounds visible inside the hallway. Um...

CJ: Rounds meaning...

MM: Uh, bullet holes.

CJ: Impacts?

MM: Impacts.

CJ: Okay.

MM: Impacts. Or impacts in the - in the - in the ceiling roof area you can see it's like a kind of a wall that kind of comes down. Um, we noticed, uh, there was a - there was a light that kind of, uh, light that shined at the end of the hallway, uh, there was another team that was actually moving up. There was a stairwell that led right to the suspect's door. Right in front of that suspect's door was, um - uh, what did he call those things, uh, room service cart. There was a room service cart right next to the door, you know, we didn't know if it was an IED or not, um, we - we talked about it, said, "Hey we didn't - there's a - there's a cart here." Someone said, "Hey we haven't checked it but, you know, we don't know if it's an IED or not." The other officers there we see a light shine and we're like, "Hey Metro Police," you know, um, SWAT Officer says, "Hey SWAT, announce yourself. You know, Metro Police." No response. We don't get a response from them. Eventually we get on the - they're able to get on the air, we're able to make communication, "Hey it's the police." Um, so we're able to identify that it is, um, Metro down at the very end and then we're in the hallway. Um,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 7

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

from there there was already a plan that they were gonna breach the door so there was a SWAT officer with them with, um, I guess their - their breaching - breaching devices. They were able to, uh, place a breaching charge on the left side - on the - if you're facing the suite, if it was on the left door and then so the left door was the dummy door, the right - the right side of the door was the one with the peephole and the actually physical door handle. They placed it on the left side. Um, they were saying that, "Hey we're gonna give the - we're gonna let you know when we're gonna breach it." Um, they placed the breach, their shields, they, uh, properly placed it and as of - as of that we only knew that it was that door that was there, um, at least from my knowledge at that time. They breached the door, um, we waited a couple seconds as far as, uh, we waited a couple second before actually going in front of the door. Unknown if the suspect was still alive or if he was, um, if he was deceased. Um, obviously we're gonna assume he's alive and waiting for us to come inside. So, um, the SWAT officer and I, we immediately, uh - oh I'm sorry, before - before we - before they breached, um, we waited for two other SWATs - uh, two other SWAT snipers to come up. So while the SWAT snipers were coming up into position to where we were -- because it's a long hallway, it's a long hallway, it's about, um, where we were was 35 yards to the door roughly and then from the elevator where you get out is probably I'd say maybe another 30, 35 yards -- and, um - uh, the SWAT officers were comin' behind us, the snipers, um, and we, uh - myself and the SWAT officer came out of position of cover and we just kind of, uh, held on the door as, uh, I guess you want to call it a meat shield. So because the SWAT officers were

VOLUNTARY STATEMENT

PAGE 8

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

carrying - um, other SWAT officers had their backpacks and bigger long guns that, you know, you're not gonna be able to really effectively I guess maybe fire. So we got out of our cover, we're almost shoulder to shoulder and just holding on the door. Um, you know, if rounds were to come at least I had my rifle plates, he had his rifle plates and we were able to protect those officers and at least be able to, you know, engage back if we had to. Once they reached us we tucked back in to kind of cover a little bit, we let them set up on the door. And then, uh, you know, once they get set, once they say that they're ready and set, that was when the breach happened. So the breach occurred, waited a couple seconds. Uh, the SWAT officer and I then, uh, immediately started, uh, moving forward towards the - towards the team that was already there. So once that door already hit the SWAT officer and myself moved in, um, and smoke alarms, you know, everything started goin' off. We - I was probably, you know, maybe # 2, # 3 going into the stack, going inside the room and, um, immediately, you know, we were prepared for if possible IED or if rounds we're already gonna start firing at full auto. But we - we went in, made entry. I, uh, I rolled left into a - into a bedroom and I could tell it was a big suite, I immediately rolled left, there was a bar area to my right of the door and, um - there was a bar area to my right of the door and then I came in, um, you know, I'm scanning and I immediately roll left. I take long - I continued, um, when I made left into the bedroom -- 'cause it was a bedroom, uh, I'd imagine it's the master bedroom 'cause it's only a bedroom there -- I immediately made a left, made - went long, checked behind all the curtains, the beds, and then, um, I - I believe the SWAT officer came in and checked his area

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 9

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

and, you know, we, uh, we cleared that, noticed several luggages there and, you know, there was like I remember at least three luggages that were just properly like neatly placed right next to each other next to the bed. Um, exited out is when, um, I saw multiple shell casings everywhere, like a lot and I - a lot of shell casing everywhere, um, you know, magazines, uh, rifles around. I then saw the deceased body of the suspect. Um, the deceased body of the suspect, um, rifle next to him, there was also a small - small, uh, revolver next to him as well. Um, it appeared to be a gunshot wound to the head. Um, cleared that area and then there was another door that was, uh, adjoining to the - to the room. So with that adjoining room we didn't know if there was another shooter or, um, because, uh, there were - we didn't ha- we didn't know if there was another shooter or not so we held really quick, they, uh - a SW- a SWAT officer placed a breaching charge on that door and then we, uh - yeah a SWAT officer placed a breaching charge on that door, I, you know, I - I just hold - I held some of the cords for him, you know, so he can get it set up. He, um, gave the command, you know, he's gonna breach door, door breaches and then I heard a bunch of round- I heard about three rounds fired. And, um, three rounds were - were fired, uh, and it was from, uh, the SWAT officer in front of me so I believe that there was - there was somebody in, uh, in that - in that adjoining room. Um, we, uh, I make entry in that room, I, uh, I - I go left so now that room ended up actually just being an adjoining like, you know, the connecting room. Um, I ended up going left, I observed a broken window - another broken window so there was a broken window in the first room, it was a suite, then there was another broken window. Um,

VOLUNTARY STATEMENT

PAGE 10

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

it was actually pretty big. I looked out to - I didn't know if there was another shooter there because I did hear the rounds fired so I didn't know if that suspect may have jumped out so I looked outside the window just to see if there was someone there, you know, fallin' or a body and there was no one there. And, you know, I went back out, I observed a rifle, it was like a - a rifle with magnified optics on it. I believe it was a bolt action rifle. I saw four ten, uh, they appeared to me as 308 magazines on the counter right next to each other neatly placed. Um, and then there was a laptop. There was a laptop in that room too that actually had a live feed going into the hallway. There was a - there was a live feed so, um, there was a laptop there and then I eventually exited out, you know, again observed the body and I observed also a webcam on the peephole of the main door, that - the first official door there was a webcam taped to the actual peephole to where it appeared the suspect was able to, uh, view without actually being physically out the door.

CJ: Okay.

MM: And, uh, yeah.

CJ: All right. Then, uh, do you go out - after you see the camera then what happened? Wh- then what did you do? Did - did you leave, stay, or what?

MM: So I was waiting for, uh, for further instruction. Um, initially the, uh, there was instructions pretty much right then and there that were given, "Hey I need everyone to clear out, you know, it is still a crime scene." I was like, "Okay cool," so I was holding the door with my foot, um, said, "Two officers, you know, stand by the door, guard."

VOLUNTARY STATEMENT

PAGE 11

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

Um, I was initially standing by the door, there was a sergeant who, uh, who stated to me, you know, "Hey Mags, uh, what- what's your role?" I was like, "I'm just holding the door." He already assigned someone to, uh, to I guess be the person staying at the - at the room guard, he already assigned that person. Then he says, "Do you have a role?" Like, "No," he was like, "All right cool, let- let's, uh, let's go and clear out." I was like, "Okay cool." We switched, he grabbed the - that officer, um, grabbed the door and then I - I left. And then, um, I exited the room and I continued to clear each room on the 32nd Floor one by one, um, goin' down throughout all the wings of the 32nd Floor to make sure that nobody was inside. And, uh, we were able to find some other civilians who were I guess you could say trapped or scared to leave. But we were able to exit them to safety.

CJ: Okay. Okay, um, just a couple of things. When - when you come out of the elevator after you've gone up, um, you've already been up to the Foundation Room and then you come - you didn't know for sure if you went up or down to the 32nd Floor...

MM: Mm-hm.

CJ: ...after you come out of that elevator, uh, there's just you and one other SWAT officer as you come off that elevator?

MM: When, uh, when we...

CJ: When - just you two in the elevator?

MM: In the 32nd Floor...

CJ: Mm-hm.

VOLUNTARY STATEMENT

PAGE 12

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

MM: ...when we were going to it...

CJ: Mm-hm.

MM: ...there was a - I'm sorry, there was a security guard with us.

CJ: Okay.

MM: Security guard because we used the - what do you call them, access elevators...

CJ: Okay.

MM: ...or something where like employees will use it.

CJ: Okay.

MM: We went behind the Foundation Room because initially we were told that the elevators weren't running, they locked it, you know, like turned it off.

CJ: Okay.

MM: But, uh, it was wrong 'cause that's how we were able to get up to the Foundation Room. And then, um, we used that access elevator in the back with a security guard to, uh, go to the 32nd Floor. So it was just that, uh, if I can remember correctly just that - yeah it was that officer and I.

CJ: Okay.

MM: And it was a SWAT officer specifically because I was pretty much with him from the initial when I got out of my vehicle from my - from the department vehicle from Russell and Las Vegas Boulevard and we pretty much stuck with each other once we cleared that whole room where the shooter was.

VOLUNTARY STATEMENT

PAGE 13

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: Okay. So when you - and do you by chance know the name...

MM: Yes.

CJ: ...of the SWAT officer?

MM: Yes. It was, uh - uh, SWAT Officer, uh, O'Donnell.

CJ: Okay. Um, so when you - when you get up there and you- you're now headed down the hallway you - you see the second group of SWAT officers, there's a SWAT officer hangin' a breach, they're doing the, uh, charge on the door...

MM: Mm-hm

CJ: ...the - you described that the breach went and then going in, what di- I mean just - just so I'm cl- clear on how you guys go in, who goes in where? Okay so who's the first one that went through the door if you can remember?

MM: Uh, I- I'm gon- I'm gonna say it was definitely a shield that - there was a - I recognize two K-9 officers, um, that were there, you know, obviously I don't know their names and everyone was wearing so much gear that it's hard to really differentiate but just based on their gear I thought they were K-9. And, um, they had the shield, I believe the shield went in first, it was kind of like up front. And then, um, I know I was for sure behind, uh, Officer O'Donnell and SWAT and like I said I was either # 2 or - then I at least had to be # 3 then goin' in because there was that shield but, uh, that other SWAT officer with the breach, he may- could have been in front of me, I just know that their uniforms were very similar.

VOLUNTARY STATEMENT

PAGE 14

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: Sure.

MM: So one 'em was in front of me.

CJ: Okay.

MM: But I know I was part of that initial stacked entry going into that room.

CJ: And that - and that's wa- the way you described, then you went in and then went to...

MM: I rolled left.

CJ: You rolled - went to the left into that...

MM: I rolled left. 'Cause I - yeah if I was - I was in that stack enough that I was able to clear on my own room.

CJ: Okay.. Okay. And then you come out and that's when - after you...

MM: 'Cause they were holding -- I'm sorry -- they were holding so that's why I was able to.

CJ: Okay. So then when you come out, um, you're - you're able to then see the suspect is on the floor and you said there was blood on his head.

MM: Mm-hm.

CJ: Uh, that - and then - and then that's when you move over to the other closed door, correct?

MM: Mm-hm.

VOLUNTARY STATEMENT

PAGE 15

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: And - and then they - they did another breach of that door and then going in the- then you went into the next room and that's when you saw, um, you said there was a rifle with optics?

MM: Yep. Yes, yeah.

CJ: So did you see any other weapons or anything inside there?

MM: Yeah there were plenty of weapons. There were plenty of rifles, uh, there was like a rifle with a silver magazine that was next to the - the body of the suspect. Um, I know I saw - I saw a silver revolver, um, and I know I saw a ball-peen hammer, it was like a yellow ball-peen - I remember it distinctively 'cause I was like, "Man this guy used that hammer to break the windows before actually shooting." So there was a hammer like next to it, um, next to the window area of the...

CJ: Mm-hm.

MM: ...suite - uh, the main suite.

CJ: The main area.

MM: Mm-hm.

CJ: Okay.

MM: Um, but there was just so much stuff that I - that I probably saw but those are the things that kind of just stood out in my mind.

CJ: Sure.

MM: Yeah 'cause I was looking for obviously other threats.

VOLUNTARY STATEMENT

PAGE 16

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: Okay.

MM: And then once we were done I just...

CJ: When you came on to the 32nd Floor and started working your way down that hallway you said it's a very long hallway...

MM: Oh yeah.

CJ: ...35 yards goin' to...

MM: ...fatal - fatal funnel all the way around, yeah.

CJ: At any time did you hear rounds being fired?

MM: Towards me?

CJ: Just in - in on that floor. Besides the three that you heard that were fired at that second breach, before you entered the room did you hear rounds being fired?

MM: No not that - not that I can recall at least. I mean I don't recall, I was - I was probably so focused on that door...

CJ: Sure.

MM: ...that I knew if rounds were coming towards me I would know but I also knew that there were already other officers holding halfway down that hallway.

CJ: Ahead of you.

MM: Yes.

CJ: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 17

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

MM: So I was just - my main thing was don't hang out in this fatal funnel too long, get to where we need to go and just on gun downrange.

CJ: Okay. Um, when you first arrived out on Russell and the Boulevard with those SWAT officers did you hear rounds being fired at that time, if you can remember?

MM: I - I don't ev- I don't even recall, um...

CJ: Okay.

MM: ...there was so much just screaming going on, um, sirens, I was surrounded by FD, I remember there was a bunch of paramedics that - it was actually a crappy I gu- I don't want to say crappy setup but the - all the paramedics were blocking that you couldn't even move forward past Russell. Um, I don't know if that's a good thing or a bad thing as far as, you know, patrol cars getting riddled with bullets but we couldn't advance forward at least bringing, you know, our vehicles, um, so we had to - we had to get out. And my own thing was just all right, get out and I saw the SWAT officers and I said, "Hey we're gonna - cool if I go with you guys?" And they said, "Yeah come with."

CJ: Okay. Uh, describe the - the suspect that was on the floor to me.

MM: Okay. Yeah he was a - he was - he was a big guy, I'd probably say at least over 6'0". Um, white male adult. Say balding if not bald, hair on the sides. Um, he was wearing a dark - dark blue shirt, um, he was wearing a dark blue shirt, I want to say tan pants or something like that, khakis. I could be mistaken but, uh, I just know he was

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 18

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

wearing like a dark blue shirt for sure. WMA, older - older gentleman, definitely older, it wasn't - it wasn't a young guy. Um, older for sure.

CJ: Do you remember, uh, any weapons right by him?

MM: Yes. There was a assault rifle to his left and then there was a revolver, um, right on - he wa- he was laying completely like straight as if you were just lying down. There was nothing that he was up...

CJ: On his back or on his stomach?

MM: He was on his back.

CJ: Okay.

MM: So he was on his back face up. Um, there was a revolver just I guess maybe right nex- right next to his head or right next to his - but it was on the right side near his upper head area.

CJ: Okay.

MM: And, uh, yeah.

CJ: But it wasn't in his hand, it was just laying on the...

MM: Yeah it was - it was just laying - it was just laying on the ground.

CJ: Okay.

MM: Um, I believe I thought maybe I saw blood on it, I could be wrong.

CJ: Um, you mentioned the computers inside that were showing a live feed...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 19

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

MM: Oh yeah.

CJ: And where - where was that live feed that you could see? What was it showing...

MM: It ap...

CJ: ...if you remember.

MM: ...it ap- it appeared - at first I was kind of confused, um, I think it was the hallway and later - later clarifying it that, uh, they were actually that - that room - remember that dining - that room service cart that I was talking about?

CJ: Mm-hm.

MM: This guy actually had cameras facing out so he could see coming one way and it actually pointed towards the main door. Does that make sense?

CJ: Mm-hm.

MM: So you got the suite, you got - yeah you got the suite door here, then you got the other room and then this is where we were. So you've got the room cart right here and when I guess from what - from what I heard was one camera was facing towards the door so he could actually see what's going on. And then the other one was I guess faced towards the hallway. And I believe that's where that live feed was 'cause, uh, I definitely saw it and I was like that's - I was like that was pretty, you know, pretty crazy that this was all planned out. And then the webcam again was taped to the peephole.

CJ: Okay. Okay Paul do you have any?

VOLUNTARY STATEMENT

PAGE 20

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

PQ: No.

CJ: Okay. Tyler?

TT: Just a couple things. So, uh, with everything going on when you arrived you said you didn't - you don't recall if you heard gunshots, is that correct?

MM: Yeah, no I don't - I don't remember, there was so much loud chaos, I don't want to say loud noise, like so much screaming and, you know, still trying to process, make sure I had all my gear ready.

TT: But you did know, you said the - the notification that you had - there already were mass casualties.

MM: Oh there were already mass - there was already multiple dead and, um, according to the, uh, radio traffic that the other officers heard that they put out in a text message that they - they need officers, that they're pinned down by the stage, um, that yeah it was just a - a very chaotic scene and at first it was heard that there were multiple shooters - multiple shooters so...

TT: And just to clarify, on entry you were either third or - or fourth...

MM: Yeah.

TT: ...initially going into that ho- hotel room...

MM: Yes. Yes.

TT: ...or the suite.

VOLUNTARY STATEMENT

PAGE 21

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

MM: I was definitely at least part of the stack enough to where I was able to have my own area of responsibility.

TT: And when you made it to that second part of the - the room, um, which number were you going into...

MM: I believe I was - I believe again I was # 2 or # 3, I know, um - 'cause O'Donnell was in front of me when those rounds went off. Um, and again I rolled - I rolled left and then another officer went right, I'm not sure if it was the other SWAT officer who placed the breach or if it was O'Donnell but I want to say for sure I thought I was right behind O'Donnell. So, um, because I - I did see those, uh, did see - I guess I don't want to say for sure but I know I saw those rounds come out 'cause I was like oh he's engaging so there's a threat. So - and then, uh, rolled left and, you know, covered my area, seeing if there was a suspect hiding behind a curtain or not.

CJ: Um, with those - those shots that were fired did you hear them, uh, the - the - the - on that second room when you said you heard the shots fired, how many did you hear?

MM: Uh, I heard three.

CJ: And did - and you said you thought that they came from, uh, Officer O'Donnell, or do you know for sure where they came from?

MM: At first initially I thought he was taking rounds but then I - I believe I may have saw brass flying out so I - at the same time I was like I didn't know who was who, you know, what was what and, um, he just, uh, we went - we went in and we cleared it and that was it.

VOLUNTARY STATEMENT

PAGE 22

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

CJ: And did - did he say anything about why he fired th- fired those rounds?

MM: Uh, he - he took responsibility, he said, "Hey I - I AD'd,"...

CJ: Okay.

MM: ...you know, he - he did take responsibility for it and he said, "Hey that was - that was me." And, um, but, you know, it's just because we didn't know if - I didn't - wasn't too sure if it was him or if was another shooter but at the same time it was when the breach went off it was like so - so fast all together when -when it was happening. But, uh, yeah he took responsibility, I think they even broadcasted it over the air or something, I don't know.

CJ: And that's when you went into the room thinking that maybe somebody jumped...

MM: Exactly. Somebody jumped...

CJ: ...(unintelligible).

MM: ...or at least I went left and with my rifle, you know, I'm - I'm looking, I just made sure no one was, you know, in the area and, uh, checked behind the curtains and the window and, you know, I - I popped my head over the ledge just to make sure no bodies were - were out there because it was a pretty sized window that someone could just dive out. So...

CJ: Okay. Anything else?

PQ: No, sir.

CJ: Uh...

VOLUNTARY STATEMENT

PAGE 23

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

TT: I'm sorry, just to clarify. So when you guys first make entry and you're clearing you don't recall any rounds from the officers being fired? When you make it into the fir- when you first make it into the suite, is that correct?

MM: Yeah no - no rounds when we first go into the first - the main room. There's that first room and there's a second room we had to breach. The first room no rounds by any officers were fired.

TT: And to your knowledge no rounds were fired when you saw the - the subject on the ground, is that correct?

MM: No I - I don't know...

TT: It wasn't until after into the second room when you heard the rounds?

MM: Correct.

TT: Okay.

MM: Yeah.

CJ: All right. Anything else you can think of that we haven't asked you about?

MM: No. Sorry I - I really don't.

CJ: No that's good. All right, Operator this is the end of the interview. The ending time is 1706. Same people present.

THIS VOLUNTARY STATEMENT WAS COMPLETED LVMPD HEADQUARTERS, 400 S. MARTIN LUTHER KING BOULEVARD, LAS VEGAS, NV 89106, ON THE 3RD DAY OF OCTOBER 2017 AT 1706 HOURS.

CJ: PQ: (NET TRANSCRIPTS)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 24

EVENT#: 171001-3519

STATEMENT OF: OFFICER MARLON MAGSAYSAY (MM), P# 14804

FIT2017-032

REVIEWED BY P. QUINTEROS p #9055 ON 10/08/17